

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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01 COMMUNIQUE LABORATORY, INC.,

Plaintiff,

vs.

LOGMEIN, INC.,

Defendant.

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Civil Action No. 1:10-cv-01007-CMH-TRJ

**LOGMEIN'S REPLY IN FURTHER SUPPORT OF ITS MOTION FOR A  
PROTECTIVE ORDER REGARDING THE DISCLOSURE OF ITS CONFIDENTIAL  
BUSINESS INFORMATION AT TRIAL**

01's opposition to LogMeIn's motion for a protective order to prevent the disclosure of its product-by-product financial information at trial is notable for what it does *not* do: it does not contest that the business information that is the subject of LogMeIn's motion is both highly confidential and critical competitive information that would cause real harm to LogMeIn if the information were made public during this trial; it does not challenge the fact that 01's damages expert, Robert Brlas, did not rely on LogMeIn's product-by-product financial information for any purpose in conducting his damages analysis; and it does not assert that 01 intends to use LogMeIn's product-by-product financial information in any way during trial. Indeed, 01 could not credibly make any of these assertions, as the information discussed in LogMeIn's motion is undeniably the type of business information that should be protected from public disclosure so as not to cause significant competitive harm, and 01 has no basis to assert for the first time on the eve of trial that its damages claim depends in any way on being able to break out LogMeIn's financial information on a product-by-product basis.

In light of 01's apparent concession that it will not discuss LogMeIn's highly sensitive product-by-product financial information in court, LogMeIn respectfully requests that the Court issue an order confirming that 01 may not refer to any of LogMeIn's product-by-product financial information during trial. LogMeIn also requests that the Court order that any LogMeIn financial exhibits offered by any party which reflect LogMeIn's financial information on a product-by-product basis be sealed, a request to which 01 agrees. (01 Opp. at 1, 8.) LogMeIn further requests that if any such product-by-product information is going to be discussed in testimony, that the courtroom be closed for the duration of any testimony disclosing LogMeIn's product-by-product financial information.

If 01 will not be presenting LogMeIn's product-by-product financial information at trial, 01's challenges to LogMeIn's proposed summary financial exhibit—which are both baseless and uninformed—are not relevant; however, LogMeIn reserves the right to present its summary financial exhibit (or some version thereof) at trial, and will address the issue of its admissibility with the trial judge out of the presence of the jury when and if it becomes appropriate to do so.

Dated: March 14, 2013

Respectfully submitted,

WILMER CUTLER PICKERING HALE AND  
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/S/

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2013, the foregoing document was served electronically upon the following counsel of record:

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